

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

Rec'd PCT/PTO 14 DEC 2004
PCT

10/518323
WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

To:

KOREANA PATENT FIRM

Dong-Kyung Bldg. 824-19, Yoksam-Dong, Kangnam-Gu,
Seoul, 135-080, Republic of Korea

Date of mailing
(day/month/year) 05 AUGUST 2004 (05.08.2004)

Applicant's or agent's file reference

F-245-PCT

FOR FURTHER ACTION

See paragraph 2 below

International application No.

PCT/KR2004/000305

International filing date (day/month/year)

16 FEBRUARY 2004 (16.02.2004)

Priority date(day/month/year)

07 NOVEMBER 2003 (07.11.2003)

International Patent Classification (IPC) or both national classification and IPC

IPC7 A43B 13/14

Applicant

KANG, Hamm-chan

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.
For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/KR



Korean Intellectual Property Office
920 Dunsan-dong, Seo-gu, Daejeon 302-701,
Republic of Korea

Facsimile No. 82-42-472-7140

Authorized officer

SHIN, Sang Kon.

Telephone No. 82-42-481-5958



WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

national application No.
PCT/KR2004/000305

Box No. I Basis of this opinion

1. With regard to the language, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
☐ This opinion has been established on the basis of a translation from the original language into the following language _____, which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material
☐ a sequence listing
☐ table(s) related to the sequence listing
 - b. format of material
☐ in written format
☐ in computer readable form
 - c. time of filing/furnishing
☐ contained in the international application as filed.
☐ filed together with the international application in computer readable form.
☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.

PCT/KR2004/000305

Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	1-3	YES
	Claims		NO
Inventive step (IS)	Claims	3	YES
	Claims	1-2	NO
Industrial applicability (IA)	Claims	1-3	YES
	Claims		NO

2. Citations and explanations :

D1 : JP-A-10165203

I -Novelty

D1 is considered to represent the most relevant state of the art. It discloses a sole part and a shoe securing required weight in a place of heavy inner pads and further having comfortability to use and sufficient durability. The subject matter of D1 differs from the present claim 1 not only in that the space(3) formed in the inside area of a shoe is not circular type, but also in that the form of weight member is a plate or a block. Thus, the novelty of the subject matter claimed can be acknowledged.

II-Inventive step:

(1) Concerning claim 1

D1 discloses that a certain numbers of hole-shaped spaces are formed in the central portion of a sole of a shoe except for an upper surface of outer peripheral part of the sole of said shoe. It also shows that the weight members in the form of a plate or a block are inserted in said spaces in the sole. Claim 1 discloses that multiple circular-shaped spaces are formed in the central portion of a sole of a shoe, and a circular weight members are inserted in said spaces in the sole. So the comparison between D1 and claim 1 shows that the only difference is the shape of hole and weight member. A slight change in the shape of the present invention comes within the scope of the customary practice done by a person skilled in the art. Also, the effect caused from a circular shape weight member in claim 1, compared with that from the longitudinal shape weight member in D1 is not being testified by concerning specification. Therefore, the subject matter of claim 1 does not appear to involve an inventive step in the sense of Article 33(3) PCT.

(2) Concerning claim 2

D1 discloses that the weight members in the sole close to the heel part are larger than those in the front part of the sole of a shoe. Claim 2 shows the same arrangement of the weight members according to the size of weight members. Therefore, the subject matter of claim 1 does not appear to involve an inventive step in the sense of article 33(3) PCT.